

**Remarks**

Claims 23-25, 27-29, and 32-37 were rejected as unpatentable over YAMASHITA 6,287,720 in view of YOSHIDA 6,040,086. Claims 26, 30-31, and 38-39 were rejected further in view of HIGASHIMA 5,886,502. Claim 23 has been amended and reconsideration and withdrawal of the rejections are respectfully requested.

The amended claims provide, among other limitations, that the third terminal measures a temperature of the flat secondary battery. The applied references do not disclose or suggest this limitation and the amended claims avoid the rejections under §103.

There is no suggestion in the references that the third terminal is to measure the temperature of the battery and one of skill in the art would not find it obvious to measure battery temperature with this third terminal.

New claim 40 has been added and is allowable because the references do not disclose or suggest that the third terminal connects to a cell balancer circuit.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment

to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

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